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Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON TOXICS COALITION,
et al.,

 Plaintiffs,

 v.

ENVIRONMENTAL PROTECTION
AGENCY, et al.,

 Defendants,

 and

CROPLIFE AMERICA, et al.,

 Intervenor-Defendants.

No. C01-0132 C

OPPOSITION OF INTERVENOR-
DEFENDANTS CROPLIFE
AMERICA, ET AL., TO
PLAINTIFFS' "MOTION FOR
CLARIFICATION"

Noted on Motion Calendar:
Friday, July 30, 2004

1 In their "Motion for Clarification that the January 22, 2004 Order's Noxious Weed
2 Exclusion Does Not Authorize Application of the Covered Pesticides Directly into Salmon
3 Supporting Waters" (Dkt. No. 304, July 15, 2004), Plaintiffs make an extraordinary request.
4 With no mention whatever of their previous position that the Injunction's¹ noxious weed
5 exemption could apply to aquatic applications, much less an explanation for departing from that
6 position now, they ask the Court to construe the Injunction as a blanket prohibition against
7 aquatic applications of the pesticides at issue. Plaintiffs' request is contrary to their previous
8 position, contradicted by the record, disfavored by the law of preliminary injunctions, and should
9 be denied.

10 ARGUMENT

11 I. PLAINTIFFS' REQUESTED EXPANSION OF THE INJUNCTION IS 12 CONTRARY TO THE RECORD AND TO THEIR PREVIOUS POSITION

13 This Motion concerns part III.D.2 of the Injunction, which excludes noxious weed
14 programs from the Injunction if those programs implement certain safeguards.² The Injunction
15 incorporated the exclusion verbatim as Plaintiffs had drafted it in the proposed orders they filed
16 on October 2 and December 15, 2003 (Dkt. Nos. 200, 221). Neither the exclusion nor the rest
17 of the Injunction says anything about prohibiting aquatic applications.

18 ¹ As used in this brief, "Injunction" refers to the Court's Order of January 22, 2004, which granted
19 Plaintiffs' Motion for Further Injunctive Relief.

20 ² The safeguards are ones that, according to Plaintiffs, the National Marine Fisheries Service
21 ("NMFS") "routinely requires for such programs." Injunction at 9. Federal Defendants and Intervenor
22 objected to conditioning the exclusion in this manner. See Intervenor-Defendants Objections to Plaintiffs'
23 Proposed Order Granting Further Injunctive Relief (Dkt. No. 218) at 5-6; Federal Defendants' Objections to
24 Plaintiffs' Proposed Injunctive Order (Dkt. No. 219) at 2. Both parties explained, *inter alia*, that there was
25 nothing in the record before the Court to show that NMFS routinely requires the measures Plaintiffs
26 proposed. In reply, Plaintiffs pointed, as they do here, to Biological Opinions ("BiOps") issued by NMFS for
noxious weed-spraying programs on federal lands. See Mot. at 3; Plaintiffs' Notice of Filing in Response to
Objections . . . (Dkt. No. 220) at 2. But those BiOps are irrelevant to the instant motion because, as Plaintiffs
admit (Mot. at 6), the programs reviewed in those instances did not involve direct applications of pesticides to
water. Aquatic applications entail specific constraints that the BiOps on terrestrial applications did not have
occasion to examine. See, e.g., FIFRA-approved label for Weedar[®] 64 (active ingredient 2,4-D) at 8 (directions
for aquatic weed control application) (copy appended as Ex. 1).

1 Plaintiffs ask the Court to “clarify” that their own language, which is silent on aquatic
2 applications of pesticides, prohibits such applications. But their argument distorts the record and
3 ignores the representations they made earlier in this litigation. Plaintiffs contend that, back when
4 they drafted the exclusion for noxious weed programs, they “never envisioned the applications
5 would be permitted directly into salmon waters.” Mot. at 6. The record shows, however, that
6 that subject *was* broached during discussions between the parties in their attempt to agree upon a
7 proposed form of order. At the time, Intervenor-Defendants notified Plaintiffs – and subsequently the Court
8 – of Intervenor-Defendants’ positions on ingredient-specific buffers.³ Intervenor-Defendants identified twelve products
9 containing the active ingredient 2,4-D that were registered for aquatic application, and for each
10 such application proposed a buffer of “N/A.”⁴

11 The record further shows that Plaintiffs themselves addressed aquatic applications at that
12 time. In response to Intervenor-Defendants’ table proposing buffers for individual ingredients, Plaintiffs filed
13 an ingredient-specific table of their own that gave their rationales for (in most cases) rejecting
14 Intervenor-Defendants’ proposals.⁵ But one part of Intervenor-Defendants’ proposals that they did not entirely reject –
15 or so it seemed – concerned aquatic applications. On that point, under the column headed
16 “Plaintiffs’ Proposed Buffers,” Plaintiffs stated for 2,4-D: “aquatic applications of amine
17 formulations: *noxious weed exemption could apply*.”⁶

18
19 ³ See Exhibit E, appended to Intervenor-Defendants’ Statement Joining In And Supplementing
20 Federal Defendants’ Proposed Form Of Injunctive Order (Dkt. No. 197); *see also id.*, Second Declaration of
21 Seema Mahini, Exhibit 1.

22 ⁴ See Second Mahini Declaration, Ex. 1, at 3-10, col. 9; *see also* Ex. E at 1, col. 3.

23 ⁵ See “Plaintiffs’ Proposed Pesticide-Specific Exclusions and Alternative Buffers,” at Attachment 1 to
24 Plaintiffs’ Notice of Filing Proposed Order (Dkt. No. 200).

25 ⁶ Dkt. No. 200, Attach. 1 at 1, col. 2 (emphasis added). Plaintiffs also stated that their noxious weed
26 exemption “could apply to some” aquatic applications of the amine formulation of triclopyr. *See id.* at 14, col.
2. With respect to 2,4-D, Plaintiffs did add that “CropLife has offered no justification for exempting aquatic
applications.” *Id.* at 1, col. 3. But that comment merely underscores that Plaintiffs’ difference with Intervenor-
Defendants on aquatic applications was not absolute: Intervenor-Defendants had proposed a full exemption, whereas Plaintiffs would
agree to an exemption only in the context of a noxious weed program. The key points are that (1) both parties
addressed aquatic applications, and (2) Plaintiffs stated that the noxious weed exemption could cover them.

1 Thus, the record refutes Plaintiffs' assertion now (Mot. at 6) that "none of the parties
2 addressed applications directly into salmon waters." Both Plaintiffs and Intervenor did. In
3 addition, the record belies Plaintiffs' claim now that they "never envisioned" that direct
4 applications to salmon waters would be permitted. They not only envisioned it. They endorsed
5 it. And they did so in precisely the context presented by the State of Washington's permit – the
6 use of 2,4-D as part of a state-designated noxious weed control program.⁷ Plaintiffs won
7 injunctive relief on those terms. Their arbitrary and *sub silentio* about-face should not be
8 rewarded by imposing the additional prohibition they now request.

9 **II. PLAINTIFFS' REQUESTED EXPANSION OF THE INJUNCTION IS**
10 **LEGALLY DISFAVORED**

11 Not surprisingly, the law disfavors Plaintiffs' request to imply a new prohibition in the
12 Injunction. Rule 65(d) of the Federal Rules of Civil Procedure provides that orders granting
13 injunctions "shall be specific in terms; shall describe in reasonable detail, and not by reference to
14 the complaint or other document, the act or acts sought to be restrained." "The basic principle of
15 the federal rule is that those against whom an injunction is issued should receive fair and well-
16 defined notice of what the injunction prohibits." *Transgo, Inc. v. AJAC Transmission Parts*
17 *Corp.*, 768 F.2d 1001, 1022 (9th Cir. 1985) (citing *Granny Goose Foods, Inc. v. Bhd. of*

18 ⁷ The State of Washington's permit does not create a loophole in salmon protection as Plaintiffs
19 (Mot. at 5, lines 18-21) suggest. On the contrary, the permit contains salmon-protective constraints on the use
20 of 2,4-D:

21 The local habitat and/or fish biologist from the Washington State Department of Fish and Wildlife
22 shall be notified at least fourteen days before 2,4-D is applied to salmonid-bearing waters. 2,4-D shall
23 not be applied to a waterbody when, in the written opinion of the habitat and/or fish biologist,
24 juvenile salmonids would be adversely impacted. The notification requirement will remain in effect
25 until such time that the Washington Department of Fish and Wildlife develops site-specific timing
26 windows for herbicide application. When and if Fish and Wildlife has approved site-specific timing
windows, they may be used in lieu of the notification requirement.

State of Washington, Department of Ecology, Permit No. WAG – 993000 at 10-11, copy at
http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/noxiouspermitmayfinal.pdf
(viewed July 19, 2004). Moreover, as Plaintiffs have been advised, the permit would cover only pesticides that
have been approved by EPA for aquatic use and are being applied in accordance with their approved FIFRA
registrations. See Pls.' Ex. A at 2 (e-mail from State Attorney General's office); *id.* at 4-5 (same).

1 *Teamsters, Local No. 70*, 415 U.S. 423, 444 (1974)). The rule also spares the Court and
2 litigants from precisely what is happening here for the second time this month⁸ – “a struggle over
3 the injunction’s scope and meaning.” *Marseilles Hydro Power, LLC v. Marseilles Land and*
4 *Water Co.*, 299 F.3d 643, 646 (7th Cir. 2002) (citing *Schmidt v. Lessard*, 414 U.S. 473, 476
5 (1974)). For these reasons, “prohibited conduct will not be implied from such orders.” *Ford v.*
6 *Kammerer*, 450 F.2d 279, 280 (3d Cir. 1971). Rather, “injunctions must be construed
7 narrowly and ambiguities resolved against a finding of contempt.” *See Schering Corp. v. Illinois*
8 *Antibiotics Co.*, 62 F.3d 903, 906 (7th Cir. 1995) (collecting authorities).

9 Plaintiffs’ motion flouts these principles. As Plaintiffs concede (Mot. at 5), the Injunction
10 does not expressly prohibit the direct application of pesticides directly to water. Moreover, the
11 Injunction’s lone reference to aquatic pesticides is *permissive*, not prohibitory: it states that “only
12 those pesticides registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act
13 (“FIFRA”), 7 U.S.C. §§ 136-136(y), for aquatic application can be used within 15 feet of
14 Salmon Supporting Waters.” Injunction at 9.⁹ That is, insofar as the Injunction mentions aquatic
15 applications at all, it just identifies a category of pesticides (those registered for aquatic
16 application) and allows their terrestrial use within 15 feet of water. It says nothing about whether
17 aquatic application itself is prohibited. The further prohibition now sought by Plaintiffs should not
18 be implied, and any ambiguity should be resolved against them – particularly because they
19 authored the provision in question and had every opportunity to include such a prohibition when
20 they presented their proposed form of order last year.

22 ⁸ Plaintiffs have also had second thoughts about the language they drafted on urban pesticides and
23 have moved the Court to impose additional duties on EPA that are not specified in the Injunction. *See* Dkt.
24 No. 300. EPA and Intervenor have opposed that motion. *See* Dkt. Nos. 305, 306, 307.

25 ⁹ This reference, which is drawn from NMFS BiOps on terrestrial applications to federal lands,
26 underscores that pesticides registered for aquatic application are “low risk.” *See, e.g.,* NMFS Biological
Opinion for U.S. Forest Service Weed Control Program in the Salmon River Drainage (Aug. 18, 2003) at 5,
viewable at <http://www.nwr.noaa.gov/1publicat/bo/2003/200101363_fs_noxious_08-18-2003.pdf>.

1 Plaintiffs' further argument that the prohibition should be implied because it is "consistent
2 with the purpose and overall structure of the Order" is also without merit. What matters under
3 Rule 65 is not overall purpose in the face of injunctive silence, but "specific" terms and
4 "reasonable detail." See Fed. R. Civ. P. 65(d); cf. *Rodriguez v. United States*, 480 U.S. 522,
5 526 (1987) ("it frustrates rather than effectuates legislative intent simplistically to assume that
6 whatever furthers the statute's primary objective must be the law"). The specific terms of this
7 Injunction do not include a prohibition of aquatic applications, and none should be implied now
8 merely because Plaintiffs have changed their mind.

9 CONCLUSION

10 Plaintiffs' motion for "clarification" in reality asks the Court to imply an additional
11 prohibition in the Injunction. Plaintiffs could have included the prohibition when they drafted the
12 noxious weed provision, but they did not, and instead represented to the Court and the parties
13 that aquatic applications could be excluded. Their motion to change that now should be denied.

14 DATED this 26th day of July, 2004.

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22 Attorneys for Intervenor-Defendants CropLife America, et al.
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Exhibit 1

71368-1

10-20-2003

1/9



ACCEPTED

OCT 20 2003

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under
EPA Reg. No. 71368-1

Weedar® 64

Broadleaf Herbicide



The 2,4-D Amine Weed Killer

TO CONTROL SUSCEPTIBLE BROADLEAF WEEDS IN CEREAL GRAINS, CORN, SORGHUM, RICE, SUGARCANE, SOYBEANS (Preplant only), TURF, NON-CROP AREAS, AND CERTAIN AQUATIC APPLICATIONS.

ACTIVE INGREDIENT:

2,4-Dichlorophenoxyacetic acid, dimethylamine salt

46.8%*

INERT INGREDIENTS:

53.2%

100.0%

*2,4-Dichlorophenoxyacetic acid equivalent 38.9% by weight or 3.8 pounds per gallon. Isomer specific by AOAC method No. 978.05

EPA Reg. No. 71368-1

EPA Est. No. 228-IL-1

KEEP OUT OF REACH OF CHILDREN

DANGER - PELIGRO

PRECAUCION AL USUARIO: Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

See Inside for Additional Precautionary Statements.

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300.
For Medical Emergencies Only, Call 877-325-1840.

Manufactured By:

Nufarm, Inc.

Burr Ridge, IL

071368.00001.20030922.w64bh

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
IF SWALLOWED	<ul style="list-style-type: none"> • Call poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
IF INHALED	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for treatment advice.

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HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.

NOTE TO PHYSICIANS

This product contains a phenoxy herbicidal chemical. There is no specific antidote. All treatments should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER

Corrosive. Causes irreversible eye damage. Harmful if swallowed. May be fatal if absorbed through the skin. Avoid breathing vapors or spray mist. Do not get in eyes, on skin or on clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear: coveralls over short-sleeved shirt and short pants, chemical resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride, chemical-resistant footwear plus socks, chemical-resistant headgear for overhead exposure and protective eye wear. A chemical-resistant apron should also be worn when cleaning equipment, mixing or loading.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. After each day of use, clothing or PPE must not be reused until it has been cleaned.

ENGINEERING CONTROL STATEMENTS:

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d) (4-6)], the handler PPE (personal protective equipment) may be reduced or modified as specified in the WPS.

For containers over 1 gallon but less than 5 gallons, mixers and loaders who do not use a mechanical system (probe and pump) to transfer the contents of this container must wear coveralls or a chemical-resistant apron in addition to the other required PPE.

For containers of 5 gallons or more, a mechanical transfer system (probe and pump) must be used for transferring the contents of the container. If the contents of a non-refillable pesticide containers are emptied, the probe must be rinsed before removal. If the mechanical system is used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)] the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and non-target plants. For terrestrial uses, do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters. Do not apply when weather conditions favor drift from treated areas. Do not use the same spray equipment for other purposes unless thoroughly cleaned.

Do not contaminate water used for irrigation or domestic purposes (except as specifically recommended on this label) especially in areas where grapes, cotton, tomatoes or other susceptible plants are grown.

Do not treat irrigation ditches in areas where water will be used to overhead (sprinkler) irrigate susceptible crops especially grapes, tomatoes, tobacco, and cotton.

Do not apply WEEDAR® 64 Broadleaf Herbicide directly to, or permit to drift onto cotton, okra, grapes, tomatoes, fruit trees, vegetables, flowers or other desirable crop or ornamental plants which are susceptible to 2,4-D herbicide. Do not apply near susceptible plants since very small quantities of the 2,4-D will cause severe injury during the growing or dormant periods. Crops contacted by WEEDAR® 64 Broadleaf Herbicide sprays or spray drift may be killed or suffer significant stand loss with extensive quality and yield reduction.

Do not apply when a temperature air inversion exists. Such a condition is characterized by little or no air movement and an increase in air temperature with an increase in height. In humid regions, a fog or mist may form. An inversion may be detected by producing a smoke column and checking for a layering effect. If questions exist pertaining to the existence of an inversion, consult with local weather services before making an application.

Use coarse sprays to minimize drift. Do not apply with hollow cone-type insecticide or other nozzles that produce fine spray droplets. Drift from aerial or ground application may be reduced by: (1) applying as near to the target as possible in order to obtain coverage; (2) by increasing the volume of spray mix per acre; (3) by decreasing the pounds of pressure at the nozzle tips; and (4) by using nozzles which produce a coarse spray pattern; (5) by not applying when wind is blowing toward susceptible crops or valuable plants.

MIXING AND LOADING: Most cases of ground water contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of ground water supplies. Use of closed systems for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent ground water contamination.

DIRECTIONS FOR USE

It Is A Violation Of Federal Law To Use This Product In A Manner Inconsistent With Its Labeling.

Read entire label before using this product.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

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AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated such as plants, soil or water is: coveralls over short-sleeved shirt and short pants, chemical-resistant gloves made of any waterproof material, chemical-resistant footwear plus socks, chemical-resistant headgear for overhead exposure and protective eyewear.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

For ornamental turf uses (golf courses, cemeteries, parks and other turf grass areas), do not enter treatment areas until sprays have dried. Do not allow people (other than applicator) or pets on treatment area during application.

STORAGE AND DISPOSAL

STORAGE: Do not contaminate water, food or feed by storage or disposal. Store in original container in a dry, secured storage area. Keep container tightly closed when not in use.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law and may contaminate ground water. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL -- NONRETURNABLE PLASTIC: Triple rinse or (equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

RETURNABLE -- REFILLABLE CONTAINERS: After use, return the container to the point of purchase or designated locations. This container must only be refilled with WEEDAR® 64 Herbicide. DO NOT REUSE THE CONTAINER FOR ANY OTHER PURPOSE. Prior to refilling, inspect thoroughly for damage such as cracks, punctures, abrasions and damaged or worn out threads on closure devices. Do not refill or transport damaged or leaking containers. Check for leaks after refilling and before transportation. If the container is not being refilled, return it to the point of purchase.

GENERAL PRECAUTIONS AND RESTRICTIONS

Do not apply WEEDAR® 64 Broadleaf Herbicide through any type of irrigation system. Do not use in or near a greenhouse.

MIXING INSTRUCTIONS

Add about one-half the water to the mixing tank, then add WEEDAR® 64 with agitation and finally the rest of water with continuing agitation.

NOTE: Adding oil, wetting agent, or other surfactants to the spray may increase effectiveness on weeds but also may reduce selectivity to crops, resulting in crop damage.

COMPATIBILITY

If WEEDAR® 64 Broadleaf Herbicide is to be tank mixed with fertilizers or with other pesticides, compatibility should be tested prior to mixing. To test for compatibility, use a small container and mix a small amount (0.5 to 1 qt) of spray, combining all ingredients in the same ratio as the anticipated use. If any indications of physical incompatibility develop, do not use this mixture for spraying. Indications of incompatibility usually will appear within 5 to 15 minutes after mixing.

Read and follow all directions and precautions on this label and on the labels of any products for which a tank mixture is being considered.

APPLICATION PROCEDURES

Apply by air or ground equipment in sufficient gallonage to obtain adequate coverage, except as otherwise directed on this label. Use 2 or more gallons of water per acre for aerial application and 10 or more gallons of water per acre for ground application.

SMALL QUANTITY DILUTION TABLE

To spray small areas use the following dilution table.

If Dosage on Label shows:	Use this Amount for each Gallon of Water:
2 pints (1 quart) per acre	3/4 ounces (4 teaspoons) per 1,000 sq. ft.
3 pints (1-1/2 quarts) per acre	1-1/4 ounces (2-1/2 tablespoons) per 1,000 sq. ft.
4 pints (2 quarts) per acre	1-1/2 ounces (3 tablespoons) per 1,000 sq. ft.
6 pints (3 quarts) per acre	2-1/4 ounces (4-1/2 tablespoons) per 1,000 sq. ft.

GENERAL INFORMATION

INJURY TO CROPS FROM THIS HERBICIDE MAY OCCUR. IF YOU ARE NOT PREPARED TO ACCEPT SOME DEGREE OF CROP INJURY DO NOT USE THIS PRODUCT.

Crop varieties vary in response to 2,4-D and some are easily injured. Apply WEEDAR® 64 Broadleaf Herbicide only to varieties known to be tolerant to 2,4-D. If you are uncertain concerning tolerant varieties or local use situations that may affect crop tolerance to 2,4-D, consult your seed company, State Agricultural Extension Service or qualified crop consultant for advice.

Be sure that use of this product conforms to all applicable laws, rules and regulations. Certain states have restrictions pertaining to application distances from susceptible crops. The applicator should become familiar with these laws, rules or regulations and follow them exactly.

GENERAL WEED LIST

Annual and Biennial Weeds

*beggarticks	jimsonweed	**pigweeds (<i>Amaranthus</i> spp.)	sunflower
bullthistle	*knotweed	prickly lettuce	*vervans
coffeaweed	*mallow (venice or little)	ragweed (common or giant)	vetches
common cocklebur	marshelder	rough fleabane	wild carrot
common burdock	morningglory (common, ivy, woolly)	*Russian thistle	wild lettuce
common evening primrose	*musk thistle (***)	Salsify (western or common)	wild parsnips
common lambsquarters	mustards (except blue mustard)	*smartweeds (annual species)	
hairy galinsoga	pepper weeds (except perennial)	sowthistles (annual or spiny)	

Perennial Weeds

*bindweed (hedge, field, European)	*dogbanes	Jerusalem artichoke	*vervains
blue lettuce	*goldenrod	many flowered aster	*wild garlic
*Canada thistle	*ground ivy	*nettles (including stinging)	*wild onion
catnip	healall	*orange hawkweed	
chicory	*hoary cress	plantains	
dandelion	*ironweed	sowthistle (perennial)	
*docks			

*These species may require repeated applications and/or use of the higher rate recommended on this product label even under ideal conditions for application.

**Control of pigweeds in the High Plains area of Texas and Oklahoma may not be satisfactory with this product.

***Not registered for control of musk thistle in California.

SPECIFIC USE DIRECTIONS

CEREAL GRAINS

CROP	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Wheat, Barley, Oats, Rye, Triticale (not underseeded with legumes)		
Postemergence Annual and biennial broadleaf weeds	1/2 to 2 pints*	Apply after grain is fully tillered (usually about 4 to 8 inches high) but not forming joints in the stem. Do not spray grain in the boot to dough stage.
Perennial broadleaf weeds	1 to 2 pints*	
Wheat, Barley, Oats, Rye, Triticale (underseeded with legumes)	1/4 to 1/2 pint*	Apply after grain is 8 inches tall. Do not spray grain in boot to dough stage. Do not spray alfalfa or sweet clover unless the infestation is severe and injury to these legumes can be tolerated.
Emergency weed control in Wheat, Triticale Perennial broadleaf weeds	3 pints	Apply when weeds are approaching bud stage, after the grain dough stage. Do not spray during the boot to dough stage. The 3 pints per acre application can produce injury to wheat. Balance the severity of your weed problem against the possibility of crop damage. Where perennial weeds are scattered, spot treatment is suggested to minimize the extent of crop injury.

*Use the lower rate if small annual and biennial weeds are the major problem. Use the higher rate if perennial weeds or annual and biennial weeds are present which are in the hard-to-kill categories as determined by local experience. The higher rates increase the risk of grain injury and should be used only where the weed control problem justifies the grain damage risk. Do not apply WEEDAR® 64 to grain in the seedling stage.

RESTRICTIONS AND LIMITATIONS FOR USE ON CEREAL GRAINS

For aerial application on grain, apply WEEDAR® 64 Broadleaf Herbicide in 3 to 10 gallons of water per acre.

For ground application a minimum of 10 to 15 gallons of water per acre is recommended for proper spray coverage.

Do not permit dairy animals or meat animals being finished for slaughter to forage treated grain fields within 2 weeks after treatment.

Do not feed treated straw to livestock if an emergency treatment as described above is applied.

CORN AND SORGHUM

CROP	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
CORN (Field and Sweet) Preplant	1 to 2 pints	To control emerged broadleaf weed seedlings or existing cover crops prior to planting corn, apply 7 to 14 days before planting. Do not use on light, sandy soil, or where soil moisture is inadequate for normal weed growth. Use high rate for less susceptible weeds or cover crops such as alfalfa.
Preemergence	2 to 3 pints	Apply 3 to 5 days after planting but before corn emerges. Do not use on light, sandy soils or where soil moisture is low.
Postemergence Annual broadleaf weeds Perennial broadleaf weeds	1/2 to 1 pint 1 to 1-1/2 pints	Apply when weeds are small and corn is less than 8 inches tall (to top of canopy). When corn is over 8 inches tall, use drop nozzles and keep spray off foliage. Treat perennial weeds when they are in the bud to bloom stage. Do not spray corn in the tasseling to dough stage. Corn treated with 2,4-D may become temporarily brittle. Winds or cultivation may cause stalk breakage during the period of time when the corn is brittle.
Grain Sorghum (Milo) Postemergence	1 pint	Apply when sorghum is 6 to 15 inches tall. If sorghum is taller than 8 inches to top of the canopy, use drop nozzles and keep spray off the foliage. Do not treat during the boot, flowering or dough stage.

RESTRICTIONS AND LIMITATIONS FOR USE ON CORN AND SORGHUM

Do not forage or feed fodder for 7 days following application.

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SOYBEANS* (Preplant Only)

WEEDS	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Postemergence	3/4 to 1 pint	Apply not less than 15 days prior to planting soybeans, when weeds are small and actively growing. Use the higher rate on larger weeds and when perennials are present.
	> 1 to 2 pints	Apply not less than 30 days prior to planting soybeans, when weeds are actively growing.
		In addition to those weeds found on the GENERAL WEED LIST, WEEDAR® 64 will suppress or control the following broadleaf weeds frequently encountered in reduced tillage soybean production systems: alfalfa*, bullnettle, smallflowered bittercress, Carolina geranium, smallflowered buttercup, common and rough cinquefoil, red clover*, horseweed or marestail, mousetail, wild mustard, field pennycress, cutleaf evening primrose, common purslane, speedwell, velvetleaf, and Virginia copperleaf. * These weeds are only partially controlled. Apply no more than 2.0 pints of WEEDAR® 64 in one season prior to planting soybeans. After applying, plant soybean seed as deep as practical or at least 1-1/2 to 2 inches deep. Adjust the planter press wheel, if necessary, to ensure that planted seed is completely covered. If desired, WEEDAR® 64 may be applied pre-plant to soybeans in tank mixtures with other herbicides such as Poast®, Poast Plus®, Roundup®, Roundup D-Pak®, Honcho®, Gramoxone Extra®, Prowl®, Pursuit Plus®, Scepter®, Scepter 70 DG, Squadron® and others that are registered for pre-plant soybean use. NOTE: Unacceptable injury to soybeans planted in fields previously treated with WEEDAR® 64 may occur and the extent of injury will depend on weather and agronomic factors such as the amount of weed vegetation and previous crop residue present that may be in effect between the time of application and the emergence of the soybean plant.

RESTRICTIONS AND LIMITATIONS FOR USE IN SOYBEANS (PRE-PLANT)

Do not apply WEEDAR® 64 when weather conditions such as temperature, air inversions, or wind favor drift from treated areas to susceptible plants.

Apply no more than 2.0 pints of WEEDAR® 64 per acre in one season prior to planting soybeans.

Only one application per growing season, regardless of the application rate used, is allowed.

Do not apply WEEDAR® 64 prior to planting soybeans if you are not prepared to accept the results of soybean injury including possible loss of stand and yield.

Do not replant fields treated with WEEDAR® 64 in the same growing season with crops other than those labeled for 2,4-D pre-plant use.

Do not mow or cultivate weeds prior to treating with WEEDAR® 64 as poor control may result.

Do not cut for feed treated hay, forage, or fodder or graze treated soybeans to livestock.

Do not apply WEEDAR® 64 pre-plant to soybeans in fields having a coarse-textured soil where the percent organic matter is <1.0%.

Only one application of WEEDAR® 64 may be made prior to planting soybeans per growing season.

Do not feed treated hay, forage, or fodder. Livestock should be restricted from feeding/grazing of treated cover crops.

*Not currently registered for use in California.

RICE, SUGARCANE, FALLOWLAND AND CROP STUBBLE

CROP	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Rice (Pre-plant use)	1 to 2 pints	Apply four or more weeks prior to planting rice. DO NOT USE IN CALIFORNIA.
Rice (Postemergence use)	1 to 2-1/2 pints	Apply when rice is in the late tillering stage of development at the time of first joint development. Do not apply after panicle initiation, after rice internodes exceed one-half inch, at early seedling, early panicle, boot or heading stages. Consult local university or Agricultural Extension Service specialists for more specific information on rates and timing of application. DO NOT USE IN CALIFORNIA.
Sugarcane Preemergence	4 pints	Apply before canes appear for control of emerged broadleaf weeds. DO NOT USE IN CALIFORNIA.
Postemergence	1-1/2 to 4 pints	Apply after cane emerges and through lay-by. DO NOT USE IN CALIFORNIA.
Fallowland and Crop Stubble Annual broadleaf weeds	1 to 2 pints	Use the lower rate when weeds are small (2 to 3 inches tall) and actively growing. Use the higher rate on older and drought-stressed plants.
Biennial broadleaf weeds	2 to 4 pints	Spray while musk thistles or other biennial species are in the seedling to rosette stage and before flower stalks become apparent. The lower rate can be used in the spring during rosette stage. Use the highest rate in the fall or after flower stalks have developed.
Perennial broadleaf weeds	2 to 6 pints	Spray weed in the bud to bloom stage or while in good vegetative growth. Do not disturb treated areas for at least 2 weeks after treatment, or until tops are dead.
Wild garlic and onion in crop stubble	4 to 6 pints	Apply to new regrowth of wild garlic or onion which occurs in the fall following harvest of small grains, corn or grain sorghum.

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RESTRICTIONS AND LIMITATIONS FOR USE IN FALLOWLAND AND CROP STUBBLE

Do not plant any crop for 3 months after treatment or until chemical has disappeared from the soil.

RESTRICTIONS AND LIMITATIONS FOR USE IN RICE

Do not apply more than a total of 2-1/2 pints of WEEDAR® 64 to rice per growing season.

Do not use on rice in California without an approved Supplemental Label allowing the use.

RESTRICTIONS AND LIMITATIONS FOR USE IN SUGARCANE

Do not apply more than a total of 8 pints of WEEDAR® 64 to sugarcane per acre per growing season.

ESTABLISHED GRASS PASTURES, RANGELAND, AND CONSERVATION RESERVE PROGRAM AREAS

WEEDS	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Annual broadleaf weeds	2 pints	Apply when weeds are small and actively growing and prior to bud stage. Spray while musk thistles or other biennial species are in the seedling to rosette stage and before flower stalks become apparent. The lower rate can be used in the spring during rosette stage. Use the highest rate in the fall or after flower stalks have developed. Do not apply to newly seeded areas until grass is well established. Do not apply to grass in the early boot through milk stage if grass seed production is desired. Bentgrass and legumes may be injured by this treatment.
Biennial and perennial broadleaf weeds	2 to 4 pints	

RESTRICTIONS AND LIMITATIONS FOR USE IN PASTURES AND RANGELANDS

Do not graze (dairy) cattle in treated areas for 7 days after application.

Do not cut forage for hay within 30 days of application.

Do not permit dairy animals or meat animals being finished for slaughter to forage treated fields within 3 days of slaughter.

CONSERVATION RESERVE PROGRAM AREAS

WEEDS	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Annual broadleaf weeds In young grasses	1/2 to 1 pint	Apply to actively growing annual broadleaf weeds. Use 1/2 to 1 pint when weeds are small; use higher rates on older weeds. Do not apply to young grasses with fewer than 6 leaves or prior to tillering, as excessive injury may result. Do not apply more than 1 pint until grasses are well established as excessive injury may result.
In established grasses	1/2 to 2 pints	
Biennial and perennial broadleaf weeds In established grasses	2 to 4 pints	Treat when biennial weeds are in the seedling to rosette stage and before flower stalks become apparent. Treat perennial weeds in the bud to bloom stage. Apply to actively growing weeds.

RESTRICTIONS AND LIMITATIONS FOR USE ON CONSERVATION RESERVE PROGRAM AREAS

Use at least 2 gallons of water per acre by air and 5 gallons of water per acre by ground.

Do not harvest or graze treated Conservation Reserve Program areas.

Do not apply to grasses in the boot to dough stage if grass seed production is desired.

GRASSES FOR SEED PRODUCTION

WEEDS	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Annual and perennial broadleaf weeds	2 to 4 pints	Apply to established stands in spring from tiller to early boot stage. Do not spray in boot stage. New spring seedlings may be treated with the lower rate after grass seedlings have at least 5 leaves. Perennial weed regrowth may be treated in the fall.

RESTRICTIONS AND LIMITATIONS FOR USE ON GRASSES FOR SEED PRODUCTION

Do not graze dairy animals or cut forage for hay within 7 days of application.

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NON-CROPLAND

Such as fencerows, hedgerows, roadsides, drainage ditches, rights-of-way, utility power lines, railroads and other non-crop areas

WEEDS	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Annual broadleaf weeds	2 to 4 pints	Treat when weeds are young and actively growing. Perennial weeds should be near the bud stage, but not flowering at application. Do not use on susceptible southern grasses such as St. Augustine. Do not apply to newly seeded areas until grass is well established. Bentgrass, clover, legumes and dichondria may be injured by this treatment.
Biennial and perennial broadleaf weeds	4 to 8 pints	

RESTRICTIONS AND LIMITATIONS FOR USE ON NON-CROPLAND

Do not graze dairy animals for 7 days following application.
Use sufficient gallonage for thorough and uniform coverage.

WEEDS IN ORNAMENTAL TURF AREAS

Golf courses, cemeteries, parks, turfgrass, and other grass areas

WEEDS	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Annual broadleaf weeds	2 to 4 pints	Treat when weeds are young and actively growing. Perennial weeds should be near the bud stage, but not flowering at application. Do not use on susceptible southern grasses such as St. Augustine. Do not apply to newly seeded areas until grass is well established. Bentgrass, clover, legumes and dichondria may be injured by this treatment.
Biennial and perennial broadleaf weeds	4 pints	

RESTRICTIONS AND LIMITATIONS FOR USE ON ORNAMENTAL TURF AREAS

Use sufficient gallonage for thorough and uniform coverage.
Do not apply more than 2 broadcast applications per year per treatment site. This does not exclude spot treatments.
Do not allow people (other than applicator) or pets on treatment area during application.
Do not enter treatment areas until sprays have dried.

SPOT TREATMENT IN NON-CROP AREAS

Mix 2 to 3 fluid ounces of WEEDAR® 64 Broadleaf Herbicide in 3 gallons of water. Wet all weeds and stems thoroughly. For best results, treat when weeds are actively growing.

FORESTRY - TREE INJECTION

For controlling species such as alder, aspen, birch, blackgum, cherry, oak, sweetgum, and tulip poplar

Make injections as near to the root collar as possible, using one injection per inch of trunk dbh (4-1/2 feet). For resistant species such as hickory, injections should overlap. For best results, injections should be made during the growing season, May 15th through October 15th.

For Dilute Injection: Mix 1 gallon of WEEDAR® 64 Broadleaf Herbicide in 19 gallons of water for dilute injections.

For Concentrate Injections: Use 1 to 2 ml of concentrate WEEDAR® 64 Broadleaf Herbicide per injection. The injection bit must penetrate the inner bark.

APPLES, PEARS, STONE FRUIT AND NUT ORCHARDS

WEEDS IN CROP	AMOUNT OF WEEDAR® 64 PER ACRE	DIRECTIONS
Annual broadleaf weeds	3 pints	For control of weeds on the orchard floor, apply using coarse sprays and low pressure in sufficient volume of water to obtain thorough wetting of weeds. Treat when weeds are small and actively growing. Do not use on light, sandy soil. DO NOT USE IN CALIFORNIA.

RESTRICTIONS AND LIMITATIONS FOR USE IN APPLES, PEARS, STONE FRUIT AND NUT ORCHARDS

Do not apply to bare ground as injury may result.
Do not apply immediately before irrigation and withhold irrigation for 2 days before and for 3 days after treatment.
Do not allow spray to drift onto or contact foliage, fruit, stems, trunks of trees or exposed roots as injury may result.
Do not apply to newly established or young orchards. Trees must be at least 1 year old and in vigorous condition.
Do not apply during bloom.
Do not graze or feed cover crops from treated orchards.
Do not make more than 2 applications per year.
Do not harvest stone fruit within 40 days of application.
Do not harvest nuts within 60 days of application.
Do not harvest apples or pears within 14 days of application.
For apples and pears, allow at least 75 days between applications.

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WEEDS AND BRUSH IRRIGATION CANAL DITCHBANKS

(Seventeen Western States: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming)

For control of annual and perennial broadleaf weeds, apply 1 to 2 quarts of WEEDAR® 64 Broadleaf Herbicide per acre in approximately 20 to 100 gallons per acre. Treat when weeds are young and actively growing before the bud or early bloom stage. For harder-to-control weeds, a repeat spray after 3 to 4 weeks using the same rates may be needed for maximum results. Apply no more than two treatments per season.

For woody brush and patches of perennial broadleaf weeds, mix 1 gallon of WEEDAR® 64 in 150 gallons of water. Wet foliage thoroughly using about 1 gallon of solution per square rod.

SPRAYING INSTRUCTIONS: Apply with low pressure (10 to 40 psi) power spray equipment mounted on a truck, tractor, or boat. Apply while traveling upstream to avoid accidental concentration of chemical into water. Spray when the air is fairly calm, 5 mph or less. Do not use on small canals (less than 10 cfs) where water will be used for drinking purposes.

Boom spraying onto water surface must be held to a minimum and no cross-stream spraying to opposite banks should be permitted. When spraying shoreline weeds, allow no more than 2 foot overspray onto water with an average of less than 1 foot overspray to prevent introduction of greater than negligible amounts of chemical into the water.

Do not allow dairy animals to graze on treated areas for at least 7 days after spraying. Water within treated banks should not be fished.

AQUATIC WEED CONTROL

For use in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving.

NOTICE TO APPLICATORS

State and Local Coordination: Before application, coordination and approval of local and state authorities may be required, either by letter of agreement or issuance of special permits for such use.

Fish Toxicity - Oxygen Ratio: Fish breathe oxygen in the water and a water - oxygen ratio must be maintained. Decaying weeds use up oxygen. To avoid fish kill from decaying plant material do not treat more than one half the lake or pond at one time. For large bodies of weed infested waters leave buffer strips of at least 100 feet wide and delay treatment of these strips for 4 to 5 weeks or until the dead vegetation has decomposed.

Wind Velocity - Ground or Surface Application: Do not apply when wind speeds are at or above 10 mph. **Air Application:** Do not apply when wind speeds are at or above 5 mph. The restrictions do not apply to subsurface applications used in weed control programs.

Irrigation: Delay the use of treated waters for irrigation for three weeks after treatment unless an approved assay shows that the water does not contain more than 0.1 ppm 2,4-D acid. Do not treat irrigation ditches in areas where water will be used to overhead sprinkler irrigate susceptible crops especially grapes, tomatoes and cotton.

Potable Water: Delay the use of treated water for domestic purposes for a period of three weeks or until such time as an approved assay shows that the water contains no more than 0.1 ppm 2,4-D acid.

Water Hyacinth (*Elchornia crassipes*) - Directions For Use

WEEDAR® 64 will control water hyacinth with surface and air applications.

Amounts to Use: 2 to 4 quarts (4 lb. acid equivalent per gallon) per acre. Spray the weed mass only. Use 4 quarts when plants are matured or when the weed mass is dense.

When To Apply: Spray when water hyacinth plants are actively growing. Repeat as necessary to kill regrowth and hyacinth plants missed in the previous operation.

How To Use - Surface Application: Use power sprayers operated with a boom or spray gun mounted on a boat, tractor or truck. Thorough wetting of foliage is essential for maximum control. Use 100 to 400 gal. per acre of spray mixture. Special precautions such as the use of low pressure, large nozzles and thickening agents should be taken to avoid spray drift in areas of sensitive crops. For DIRECTA-SPRA™ operation use WEEDAR® 64 with 1 pint of drift control agent in 50 to 100 gallons of water. For other applications, follow the drift control agent label for mixing directions. **Air Application:** Use drift control spray equipment or thickening agents mixed into the spray solution. Apply 1.0 gallon per acre of WEEDAR® 64 through standard boom systems with a minimum of 5 gallons of spray mix per acre. For MICROFOIL® drift control spray systems, apply WEEDAR® 64 in 12 to 15 gallons spray mix per acre.

2,4-D Acid Equivalent	1/2 lb.	1 lb.	2 lbs.	3 lbs.	4 lbs.
WEEDAR® 64	1 pt.	2 pts.	2 qts.	3 qts.	4 qts.

Water Milfoil (*Myriophyllum spicatum*) - Directions For Use

For Eurasian Water Milfoil in programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system.

WEEDAR® 64 will control water milfoil with surface, subsurface and air applications.

How To Use: To control water milfoil when less than 5 gallons of concentrate per acre is recommended, dilute the concentrate with water to apply a minimum of 5 gallons of spray mix per acre. Do not treat within 1/2 mile of potable water intakes. Shoreline areas should be treated by sub-surface injection applied by boat to avoid aerial drift. Do not apply when weather conditions favor drift from target area. Do not contaminate water by cleaning of equipment washwaters.

Open Water Areas: To reduce contamination and prevent undue exposure to fish and other aquatic organisms, do not treat water areas that are not infested with aquatic weeds.

Amounts To Use: Apply 2.5 to 10 gallons of WEEDAR® 64 per acre. The higher rate is used in areas of greater water exchange. These areas may require a repeat application.

When To Apply: For best results, apply in spring or early summer when milfoil starts to grow. This timing can be checked by sampling the lake bottom in areas heavily infested with weeds the year before.

Subsurface Application: Apply 2.5 to 10 gallons of WEEDAR® 64 per acre as a concentrate directly into the water through boat mounted distribution systems.

Surface Application: Apply 2.5 to 10 gallons of WEEDAR® 64 per acre in a minimum spray volume of 5 gallons mix per acre.

Air Application: Use drift control spray equipment or thickening agents mixed into the spray solution. Apply 2.5 to 10 gallons per acre of WEEDAR® 64 through standard boom systems with a minimum of 5 gallons of spray mix per acre. For MICROFOIL® drift control spray systems apply WEEDAR® 64 in 12 to 15 gallons spray mix per acre.

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LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants that this product conforms to the chemical description on the label; that this product is reasonably fit for the purposes set forth in the directions for use when it is used in accordance with such directions; and that the directions, warnings and other statements on this label are based upon responsible experts' evaluation of reasonable tests of effectiveness, of toxicity to laboratory animals and to plants, and of residues on food crops, and upon reports of field experience. Tests have not been made on all varieties or in all states or under all conditions. THE MANUFACTURER NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE, ANY OTHER WARRANTIES, EXPRESSED OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

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